IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1035 (S/S) of 2005

Smt. Madhu Gupta,
Wife of Sri Dinesh Kumar,
Resident of Type III/6,
Badshali Bagh Colony,
District – Saharanpur,
Presently posted at Division
Daakpathar Circle,
Dehradun. **…….Petitioner.**

Versus.

1. State of Uttaranchal through Secretary, Irrigation Department, Dehradun.
2. Chief Engineer (Yamuna Ghatti Pariyojna) Irrigation Department, Yamuna Colony, Yamuna Bhawan, Dehradun.
3. Executive Engineer, Yamuna Shakti Nahar Nirman Khand – 2, Daak Pathar, Dehradun.
4. Managing Director, Shivalik High School Badshali Bagh, through its Manager / Assistant Engineer Shakti Nahar Construction Division – II, Daak Pathar, Dehradun.
5. President, Shivalik High School Badshali Bagh, through its Executive Engineer Shakti Nahar Construction Division – II, Daak Pathar, Dehradun.
6. Superintendent Engineer, Yamuna Civil Construction Circle, Dehradun.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri C.K. Sharma, learned counsel for the petitioner and learned Standing Counsel, who has accepted notices on behalf of respondents no. 1, 2, 3 and 6.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this petition, the petitioner has prayed to issue a writ in the nature of Certiorari to quash order dated 16.06.2005 passed by respondent no. 4 by which respondent no. 4 has rejected the period of absence as leave without pay.

Learned counsel for the petitioner has submitted that petitioner was appointed as Assistant Teacher in Shivalik High School Badshali Bagh on daily wage basis. Petitioner went on maternity leave on 08.04.1995 and submitted her joining on 01.08.1996. Respondents have refused the joining of the petitioner and have not sanctioned the period in which the petitioner went on leave as leave without pay.

In this respect the petitioner has filed several representations. The petitioner has submitted that she has moved her last representation on 07.05.2005 before respondent no. 3 and the same is still pending.

Learned counsel for the petitioner has submitted that respondent no. 3 may be directed to decide the petitioner's representation dated 07.05.2005 sympathetically within the time prescribed by this court.

Considering the facts and circumstances of the case, respondent no. 3 is directed to decide the petitioner's representation dated 07.05.2005 within a period of four weeks from the date of production of certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 27, 2005
SKSharma